

**CASE**

**NUMBER:**

99-394

INDEX FOR CASE: 1999-394  
HENDRON WATER DISTRICT  
APPOINTMENT OF COMMISSIONER PURSUANT TO KRS 74.020(4)

IN THE MATTER OF THE APPOINTMENT OF COMMISSIONER OF HENDRON  
WATER DISTRICT

SEQ NBR	ENTRY DATE	REMARKS
0001	08/02/1999	Application.
0002	09/24/1999	Acknowledgement letter.
0003	10/21/1999	Order requesting information, due 11/10/99.
M0001	11/08/1999	STEPHEN SMITH HENDRON WD-RESPONSE TO ORDER OF NOV 5, 99
0004	02/24/2000	Letter to Judge Orazine requesting he advise w/in 20 days of his intentions.
M0002	03/10/2000	DANNY ORAZINE MCCrackEN CO JUDGE-RESPONSE TO LETTER OF FEB 24,99
M0003	03/21/2000	DANNY ORAZINE NEXTEL-MOTION THAT BOB DREHER BE REAPPOINTED TO HENDRON WD
0005	03/28/2000	Final Order, petition denied on grounds of mootness, matter closed.



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**  
211 SOWER BOULEVARD  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-394  
HENDRON WATER DISTRICT

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on March 28, 2000.

Parties of Record:

Don E. Peck  
Chairman  
Hendron Water District  
4410 A. T. Massa Drive  
Paducah, KY. 42003

Stephen E. Smith,  
Attorney for Hendron Water District  
McMurry & Livingston  
P.O. Box 1700  
Paducah, KY. 42002 1700

*Stephanie J. Bell*

---

Secretary of the Commission

SB/sh  
Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF HENDRON WATER DISTRICT )  
FOR THE APPOINTMENT OF WATER DISTRICT ) CASE NO. 99-394  
COMMISSIONERS )

O R D E R

On August 2, 1999, Hendron Water District ("Hendron District") petitioned the Commission to fill, pursuant to KRS 74.020(4),<sup>1</sup> a vacancy on its Board of Commissioners. Since the filing of that petition, the McCracken County Judge/Executive has appointed, with the approval of the McCracken County Fiscal Court, Robert Dreher to fill this vacancy. This action renders Hendron District's petition moot.

IT IS THEREFORE ORDERED that:

1. Hendron District's petition is denied on the grounds of mootness.
2. This matter is closed and shall be removed from the Commission's docket.

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<sup>1</sup> Vacancies shall be filled by the same appointing authority which is empowered to make the original appointment. Vacancies resulting from cause other than expiration of the term shall be filled for the unexpired term only. Notwithstanding the provisions of KRS 67.710, a vacancy resulting from the expiration of a term shall be filled by the Public Service Commission if, within ninety (90) days following the expiration of the term, the vacancy has not been filled by the appropriate county judge/executive with approval of the fiscal court.

Done at Frankfort, Kentucky, this 28th day of March, 2000.

By the Commission

ATTEST:

  
Executive Director



Danny Orazine

*McCracken County Judge Executive*

McCracken County Courthouse  
301 South Sixth Street  
Paducah, KY 42003-1700  
Office: (270) 444-4707  
Fax: (270) 444-4731  
KY Relay: (800) 648-6056(T)

March 8, 2000

Mr. Martin J. Huelsmann  
Executive Director  
Kentucky Public Service Commission  
P. O. Box 615  
Frankfort, KY 40602-0615

RE: Case No. 99-394  
Hendron Water District

Dear Marty:

In response to your letter dated February 24, 2000, this is to inform you that on Monday, March 13, 2000, the McCracken Fiscal Court will be reappointing both Bob Dreher and Larry Hopper as Hendron Water District Commissioners.

Thank you for your consideration in this matter.

Sincerely,

Danny Orazine  
McCracken County Judge Executive

DBO/smr

RECEIVED  
MAR 10 2000  
PUBLIC SERVICE  
COMMISSION



**Paul E. Patton, Governor**  
**Ronald B. McCloud, Secretary**  
**Public Protection and**  
**Regulation Cabinet**  
  
**Martin J. Huelsmann**  
**Executive Director**  
**Public Service Commission**

COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**  
211 SOWER BOULEVARD  
POST OFFICE BOX 615  
FRANKFORT, KENTUCKY 40602-0615  
www.psc.state.ky.us  
(502) 564-3940  
Fax (502) 564-3460

**B. J. Helton**  
**Chairman**  
  
**Edward J. Holmes**  
**Vice Chairman**  
  
**Gary W. Gillis**  
**Commissioner**

February 24, 2000

Hon. Danny B. Orazine  
McCracken County Judge/Executive  
Courthouse  
301 South Sixth Street, Suite 4  
Paducah, Kentucky 42003-1797

Re: Case No. 99-394  
Hendron Water District

Dear Judge Orazine:

On July 30, 1999, the Hendron Water District ("Hendron District") applied to the Public Service Commission for the reappointment of Mr. Bob Dreher to its Board of Commissioners. Enclosed is a copy of this application.

In support of its application, Hendron District referred to KRS 74.020(4) that provides:

**Vacancies [to a water district's board of commissioners] shall be filled by the same appointing authority which is empowered to make the original appointment. Vacancies resulting from cause other than expiration of the term shall be filled for the unexpired term only. Notwithstanding the provisions of KRS 67.710, a vacancy resulting from the expiration of a term shall be filled by the Public Service Commission if, within ninety (90) days following the expiration of the term, the vacancy has not been filled by the appropriate county judge/executive with approval of the fiscal court.**

As Mr. Dreher's current term as a commissioner expired on March 31, 1999, and no successor had been appointed and approved, KRS 74.020(4) authorizes the Public Service Commission to make the requested appointment.



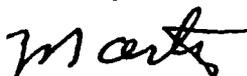
Hon. Danny B. Orazine  
February 24, 2000  
Page 2

During the course of this proceeding, the Public Service Commission has discovered that Hendron District did not notify the McCracken County Judge/Executive of the expiration of Mr. Dreher's term as required by KRS 65.008(1).<sup>1</sup> The record of this proceeding fails to indicate whether the McCracken County Judge/Executive or McCracken County Fiscal Court was aware of the vacancy created by the expiration of Mr. Dreher's term.

Before proceeding to a decision on Hendron District's application, the Public Service Commission wishes to advise you of this proceeding and to requests that you advise it within 20 days of this letter of your intentions in this matter. For your reference, I am enclosing a copy of the Public Service Commission's Rules of Procedure should you wish to intervene in this matter. The Public Service Commission further requests that, should you and McCracken County Fiscal Court take some action on this vacancy, you advise it of the action taken.

Any questions regarding this letter should be directed to Gerald Wuetcher, Commission counsel, at (502) 564-3940, Extension 259.

Sincerely,



Martin J. Huelsmann  
Executive Director

Enclosures

cc: Parties of Record  
Main Case File

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<sup>1</sup> "At least sixty (60) days before the expiration of the term of office of an appointed member of a district's governing body, the district shall notify the appointing authority of the forthcoming expiration of the term of the appointed member of the district's governing body."

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED  
NOV - 3 1999  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

APPLICATION OF HENDRON WATER DISTRICT )  
FOR THE APPOINTMENT OF WATER DISTRICT )  
COMMISSIONERS )

CASE NO. 99-394

COMPLIANCE WITH ORDER

November 5, 1999

Submitted by:

Stephen E. Smith, Jr.  
McMurry & Livingston  
P.O. Box 1700  
Paducah, KY 42002-1700  
(270) 443-6511

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

NOV - 8 1999

In the Matter of:

APPLICATION OF HENDRON WATER DISTRICT )  
FOR THE APPOINTMENT OF WATER DISTRICT ) CASE NO. 99-394  
COMMISSIONERS )

**COMPLIANCE WITH ORDER**

In compliance with the Order of the Public Service Commission ("PSC") dated October 21, 1999, the Hendron Water District ("Hendron District") states as follows:

1. Provide a certified copy of the order of the McCracken County Judge/Executive appointing Bob Dreher to his most recent term as a member of the Hendron District Board of Commissioners.

RESPONSE: A certified copy of the McCracken County Fiscal Court Order appointing Bobby Dreher as a Commissioner of the Hendron Water District is attached hereto. On March 13, 1995, Mr. Dreher was reappointed to a four-year term as a Commissioner of the Hendron District beginning April 1, 1995, and ending March 31, 1999. Responsible witness: Don Peck, Chairman.

2. a. Provide the notification that Hendron District provided to the McCracken County Judge/Executive of the expiration of Mr. Dreher's term office.

b. State when Hendron District provided notification of the forthcoming expiration of Mr. Dreher's term of office.

c. If Hendron District failed to provide prior notification of the expiration of Mr. Dreher's term of office, explain why.

RESPONSE:

a. There was no notification from the Hendron District to the McCracken County Judge Executive of the expiration of Mr. Dreher's term. Typically, the notification of a reappointment is initiated by the Judge Executive. The Judge Executive's administrative assistant calls the Commissioner and asks if the Commissioner is willing to serve another term. In this case, Mr. Dreher returned a telephone call to the Judge Executive's office in March 1999 and was informed that the message for him to call had been a mistake. Responsible witness: Don Peck and Bob Dreher.

b. Hendron District did not provide any notification of the forthcoming expiration of Mr. Dreher's term. Responsible witness: Don Peck.

c. Hendron District does not typically provide prior notification of the expiration of a commissioner's term of office. As stated above, the Judge Executive's office typically initiates the notification to the individual commissioner. Responsible witness: Don Peck.

3. Provide all correspondence between the McCracken County Judge/Executive and Hendron District or Hendron District's commissioners regarding the appointment of a successor to Mr. Dreher or the reappointment of Mr. Dreher.

RESPONSE: There is no correspondence between the McCracken County Judge Executive and Hendron District regarding the appointment of a commissioner for the term beginning April 1, 1999. Responsible witness: Don Peck.

4. a. State whether the members of McCracken County Fiscal Court during any of their public meetings have discussed the vacancy created by the expiration of Mr. Dreher's term.

b. If yes,

(1) State the date of each meeting where the vacancy was discussed.

(2) Provide a certified copy of the minutes of each meeting where the

vacancy was discussed.

RESPONSE:

a. Hendron District is not aware of any discussions of the expiration of Mr.

Dreher's term by any members of the McCracken County Fiscal Court. Responsible witness:

Don Peck.

b. (1) Not applicable. Responsible witness: none.

(2) Not applicable. Responsible witness: none.

Respectfully submitted,

McMURRY & LIVINGSTON

P.O. BOX 1700

PADUCAH, KY 42002-1700

(270) 443-6511

ATTORNEYS FOR HENDRON WATER

DISTRICT

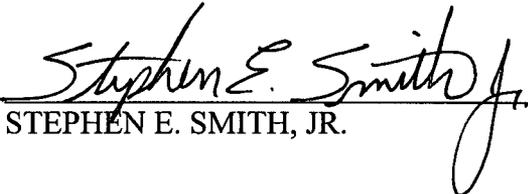
BY:

  
STEPHEN E. SMITH, JR.

CERTIFICATE OF SERVICE

I hereby certify that on this the 5<sup>th</sup> day of November, 1999, the foregoing was served upon the following by mailing the original plus eight copies of same to:

Public Service Commission  
730 Schenkel Lane  
P.O. Box 615  
Frankfort, KY 40602

  
STEPHEN E. SMITH, JR.

INDEX

- 1 Certified Order of the McCracken County Fiscal Court



March 13, 1995  
Regular Meeting  
McCracken County Fiscal Court  
Court Met Pursuant to Call of County Judge/Executive  
County Judge/Executive and all Commissioners Present

On motion of Commissioner McNeill seconded by Commissioner Cope  
It is ordered that Bobby Dreher be reappointed to fill a four year term as a  
commissioner of the Hendron Water District, said term beginning April 1, 1995,  
and ending March 31, 1999.

McCRACKEN COUNTY FISCAL COURT

ORDER

RE: HENDRON WATER DISTRICT BOARD APPOINTMENT

It appearing to the Court that the term of Bobby Dreher as a commissioner on the  
Hendron Water District Board will expire, and it is necessary for this Court to appoint a  
commissioner to the fill the vacancy, and it appearing further that BOBBY DREHER is  
qualified and suitable to act as commissioner and that he is a resident of the Hendron Water  
District and within the bounds of the property described in the original petition for the  
creation of the Hendron Water District.

NOW, THEREFORE, IT IS ORDERED that BOBBY DREHER be and he is hereby  
reappointed to fill a four (4) year term as a commissioner of the Hendron Water District, said  
term beginning April 1, 1995, and ending March 31, 1999.

This the 13th day of March, 1995.

Danny Orazine  
McCracken County Judge/Executive

The motion was carried with the County Judge/Executive and all Commissioners  
voting aye.

/s/ Danny Orazine  
McCracken County JudgeExecutive

STATE OF KENTUCKY }  
COUNTY OF McCRACKEN } SCT.

I, Randy Otoy, Clerk of the County Court for the  
County and State aforesaid, do certify that the forego-  
ing is a true and correct copy of same as appears on  
record in my Fiscal Court

office in Order Book 76 page 518

Given under my hand this 29<sup>th</sup> day of  
October 19 99.

RANDY OTEY, CLERK

By Pat Smith D.C.



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

October 21, 1999

Don E. Peck  
Chairman  
Hendron Water District  
4410 A. T. Massa Drive  
Paducah, KY. 42003

RE: Case No. 99-394

We enclose one attested copy of the Commission's Order in  
the above case.

Sincerely,

*Stephanie D. Bell*  
Stephanie Bell  
Secretary of the Commission

SB/sh  
Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF HENDRON WATER DISTRICT )  
FOR THE APPOINTMENT OF WATER DISTRICT ) CASE NO. 99-394  
COMMISSIONERS )

ORDER

IT IS ORDERED that Hendron Water District ("Hendron District") shall file the original and 8 copies of the following information with the Commission within 20 days of the date of this Order, with a copy to all parties of record. Each copy of the information requested should be placed in a bound volume with each item tabbed. When a number of sheets are required for an item, each sheet should be appropriately indexed, for example, Item 1(a), Sheet 2 of 6. Include with each response the name of the witness who will be responsible for responding to questions relating to the information provided. Careful attention should be given to copied material to ensure its legibility.

1. Provide a certified copy of the order of the McCracken County Judge/Executive appointing Bob Dreher to his most recent term as a member of the Hendron District Board of Commissioners.

2. a. Provide the notification that Hendron District provided to the McCracken County Judge/Executive of the expiration of Mr. Dreher's term of office.

b. State when Hendron District provided notification of the forthcoming expiration of Mr. Dreher's term of office.

c. If Hendron District failed to provide prior notification of the expiration of Mr. Dreher's term of office, explain why.

3. Provide all correspondence between the McCracken County Judge/Executive and Hendron District or Hendron District's commissioners regarding the appointment of a successor to Mr. Dreher or the reappointment of Mr. Dreher.

4. a. State whether the members of McCracken County Fiscal Court during any of their public meetings have discussed the vacancy created by the expiration of Mr. Dreher's term.

b. If yes,

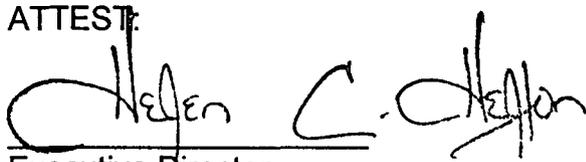
(1) State the date of each meeting where the vacancy was discussed.

(2) Provide a certified copy of the minutes of each meeting where the vacancy was discussed.

Done at Frankfort, Kentucky, this 21st day of October, 1999.

By the Commission

ATTEST:

  
Executive Director



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

September 24, 1999

Don E. Peck  
Chairman  
Hendron Water District  
4410 A. T. Massa Drive  
Paducah, KY. 42003

RE: Case No. 99-394  
HENDRON WATER DISTRICT  
APPOINTMENT OF COMMISSIONER PURSUANT TO KRS 74.020(4)

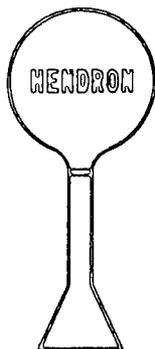
This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received August 2, 1999 and has been assigned Case No. 99-394. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

Stephanie Bell  
Secretary of the Commission

SB/jc



# Hendron WATER DISTRICT

4410 A. T. Massa Drive  
McCracken County  
PADUCAH, KY. 42003

RECEIVED  
AUG 02 1999  
PUBLIC SERVICE  
COMMISSION

July 30, 1999

Ms. Helen Helton  
Executive Director  
Kentucky Public Service Commission  
730 Schenkel Lane  
Frankfort, KY 40602

RE: Appointment of Commissioner of Hendron Water

*CASE 99-394*

Dear Ms. Helton:

The Hendron Water District is a water district organized under Chapter 74 of the Kentucky Revised Statutes and it is located wholly within McCracken County. The three members of the Board of Commissioners are Don Peck (Chairman), Larry Hopper, and Bob Dreher. Mr. Dreher's term expired in March of this year and McCracken County Judge/Executive Danny Orazine has not appointed anyone to fill the vacancy.

Pursuant to KRS 74.020(4), a vacancy not filled by the county judge/executive with approval of the fiscal court within 90 days following the expiration of the term shall be filled by the Public Service Commission. We hereby request that the Public Service Commission reappoint Mr. Dreher to fill the vacancy and serve for the next four years.

If you have any questions or need any additional information concerning Mr. Dreher's experience and background, please do not hesitate to call.

Sincerely,

*Don Peck*  
DON PECK, Chairman  
Hendron Water District  
270-443-3333

*Larry S. Hopper*  
LARRY HOPPER, Commissioner  
Hendron Water District  
270-554-6830

*Bob Dreher*  
BOB DREHER, Commissioner  
Hendron Water District  
270-554-3889

Members of

American Water Works Association — Jackson Purchase Water District Association